

REMARKS/ARGUMENTS

By this amendment, Claims 16-22, 25, and 26 have been amended. No claims have been added or canceled. Hence, Claims 1, 2, 6-22, 24-26 and 28-36 are pending in the application. The amendments to the claims do not add any new matter to this application. All issues raised in the Office Action mailed March 12, 2007, are addressed hereinafter.

INFORMALITIES

Claims 16-21 were amended in the last Response incorrectly. Specifically, Claims 16-21 were amended as follows “The computer-readable medium program product *program product* of claim …” (italics added). The italicized, or second occurrence of, “program product” should not have been included. To correct this error, Claims 16-21 have been amended to remove “program product”.

SUMMARY OF THE REJECTIONS/OBJECTIONS

Claims 22, 24-26 and 28 are rejected under 35 U.S.C. § 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, independent Claims 22 and 25 recite the limitation “in response to said audio manipulation” where no prior audio manipulation step occurred. Claims 22 and 25 have been amended to recite “in response to said audio manipulation request”.

The Office Action also alleges that the claims are further obfuscated by the use of the term “specific synthesis treatment.” Claims 22 and 25 were incorrectly amended in the last Office Action and have been amended in this response to recite “in response to said audio

manipulation request, performing the requested audio manipulation and processing sound for said given instrument using the specific synthesis treatment that is specified by said data." Claims 22 and 25 were to have read that the audio file has the requested audio manipulation performed and then processing sound for said given instrument using the specific synthesis treatment as stated on lines 13-20 of page 33 of the Written Specification. This rejection is therefore overcome.

EVEN WITHOUT THE CURRENT AMENDMENTS, THE CITED REFERENCE
DOES NOT ANTICIPATE THE CLAIMS

Claims 22, 24-26, and 28 are rejected under 35 U.S.C. § 102(b) as being anticipated by ACID User Manual from Sonic Foundry, Inc. ("ACID").

Applicants respectfully traverse.

Claim 22 is not anticipated by *ACID*, even without the current amendments. Claim 22, unamended, recites, "*an audio file comprising said audio waveform also comprises data that sets forth a specific synthesis treatment to be used for processing a given sound*". Claim 22 is allowable because neither (a) an audio file comprising an audio waveform *and* data that sets forth the synthesis treatment, nor (b) processing a given sound is taught or disclosed in *ACID*. *ACID* does not teach or disclose storing both the audio waveform and the data for a synthesis treatment in a single file. Nor does *ACID* teach or disclose "processing a given sound." A given sound refers to sound from a single instrument as described in the Written Specification. *ACID* only teaches editing sounds through an envelope, for the entire track or portion of a track, not a given sound.

AMENDMENTS HAVE BEEN MADE TO FURTHER DISTINGUISH THE CITED
REFERENCE AND TO MAKE EVEN CLEARER THE TWO DISTINCTIONS

Each of the pending claims recites one or more elements that are not disclosed, taught, or suggested by the cited art.

Claim 22

Claim 22, as amended, recites:

A method for manipulating audio data comprising:
obtaining an audio manipulation request associated with an audio waveform;
**determining that an audio file comprising said audio waveform also comprises data
that sets forth a specific synthesis treatment to be used for processing sound for a given
instrument; and**

**in response to said audio manipulation request, performing the requested audio
manipulation and processing sound for said given instrument using the specific synthesis
treatment that is specified by said data.** (emphasis added)

At least the above-bolded portion of Claim 22 is not disclosed, taught, or suggested by *ACID*.

Claim 22, as amended, recites “determining that an audio file comprising said audio waveform also comprises **data that sets forth a specific synthesis treatment to be used for processing sound for a given instrument**” (emphasis added). The limitation that an audio file comprises ... data that sets forth specific synthesis treatment to be used for processing sound for a given instrument is not taught or disclosed in *ACID*. The Office Action alleges that *ACID* teaches or discloses this limitation as envelope data. *ACID* states that an envelope may be used to edit the entire track of music or a limited period of the track of music (or event), by varying volume,

panning, and adding effects. However, editing with envelopes affects *all* of the sounds within the track of the music, not just the sound for a given instrument as recited in Claim 22. Thus, nowhere in *ACID* is it taught that the audio file comprises data that sets forth specific synthesis treatment to be used for processing sound for a given instrument.

Claim 22 also recites “determining that **an audio file comprising said audio waveform also comprises data that sets forth a specific synthesis** to be used for processing sound for a given instrument” (emphasis added). The limitation that an audio file comprises said audio waveform *also* comprises data that sets forth specific synthesis treatment is not taught or disclosed in *ACID*. The Office Action alleges that *ACID* teaches or discloses this limitation if the audio file contains envelope data. However, envelope data in *ACID* is stored in a file *separate* from the audio file (*ACID*, p. 66). Nowhere in *ACID* is it taught that the audio file comprises both the audio waveform and a specific synthesis treatment.

Furthermore, Claim 22 recites “**in response to said audio manipulation request, performing the requested audio manipulation and processing sound for said given instrument using the specific synthesis treatment that is specified by said data.**” The audio manipulation request and specific synthesis treatment are two separate items to process the sound. First, audio manipulation entails changing the audio data itself by changing a note in the composition (Written Specification, p. 33, line 5). Synthesis treatment data ensures that a synthesized instrument is accurately rendered (Written Specification p. 24, lines 1-6). The Office Action alleges that audio manipulation is altering volume, pan and effects (*ACID*, p. 54). Then the Office Action analogizes envelope data to specific synthesis treatment. However, according to *ACID*, envelope data *is* altering volume, pan, and effects. Thus, the Office Action is actually alleging that the sound is processed using just the envelope twice. Claim 22 recites processing by

the audio manipulation request *and* the specific synthesis treatment, a limitation not taught or disclosed by *ACID*.

In addition, the envelope in *ACID* does not alter the notes in the audio itself, just aspects of the sound, such as volume, panning, and effects. This is a further indication that the audio manipulation request is not taught or disclosed as the envelope in *ACID*, much less that the sound is processed by the audio manipulation request *and* the specific synthesis treatment.

As at least one element recited by Claim 22 is not disclosed, taught, or suggested by *ACID*, it is respectfully submitted that Claim 22 is patentable over the cited art and is in condition for allowance.

Claim 25

Independent Claim 25 includes the same limitations as recited in Claim 22 of “means for determining that an audio file comprising said audio waveform also comprises data that sets forth a specific synthesis treatment to be used for processing sound for a given instrument; and means for responding to said audio manipulation request by performing the requested audio manipulation and processing sound for said given instrument using the specific synthesis treatment that is specified by said data.”

As a result, the arguments presented for Claim 22 above also apply to Claim 25. As *ACID* fails to teach or disclose every element of Claim 22, *ACID* also fails to teach or disclose every element of Claim 25. The rejection of Claim 25 is traversed and reconsideration of the rejection on Claim 25 is respectfully requested.

Claim 26

Claim 26 recites:

A file stored on a computer readable medium, said file containing both
(a) sample data associated with an audio waveform; and
(b) data that sets forth a specific synthesis treatment to be used for processing a given
sound. (emphasis added)

At least the above-bolded portion of Claim 26 is not disclosed, taught, or suggested by *ACID*.

Claim 26 recites that “**a file... said file containing both (a) sample data associated with an audio waveform; and (b) data that sets forth a specific synthesis treatment.**” Both data associated with an audio waveform *and* data that sets forth a specific synthesis treatment are in a *file*. In *ACID*, envelope data (that is analogized as synthesis data in the Office Action) is stored in a file *separate* from the audio file (*ACID*, p. 66). Furthermore, *ACID* project files, that contain all information about a single project, are also stored separately from the audio file (*ACID*, p. 67). One may store the *ACID* project file with external audio, but this merely keeps the project file with the external file in the *same folder, not one file* as recited in Claim 26. As at least one element recited by Claim 26 is not disclosed, taught, or suggested by *ACID*, it is respectfully submitted that Claim 26 is patentable over the cited art and is in condition for allowance.

DEPENDENT CLAIMS

Claim 24 is a dependent of independent Claim 22. Claim 28 is a dependent of independent Claim 26. These dependant claims also include the limitations of claims upon

which they depend. These dependant claims are patentable for at least those reasons the claims upon which the dependant claims depend are patentable. Thus reconsideration of the rejection on these claims is respectfully requested.

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

/RobertSChee/

Robert S. Chee
Reg. No. 58,554

2055 Gateway Place, Suite 550
San Jose, CA 95110
(408) 414-1213
Date: May 14, 2007

Facsimile: (408) 414-1076